



Attorney Docket No. 032016-0128

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Majchrzak et al.
Title: FOOD CONTAINER
Application No.: 10/763,726
Filing Date: 01-23-04
Examiner: To be determined
Art Unit: 3742
Attorney Docket No.: 032016-0128

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
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 (Signature)	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION

I, David Rolston, state and declare that:

1. I am an inventor of at least one claim of the patent application identified above.
2. Prior to January 23, 2003, a prototype of the container shown in the attached drawings was disclosed on a confidential basis to individuals at Taco Bell Corp solely for the purpose of allowing Taco Bell to determine whether they may be interested in purchasing certain products, parts, components and/or services from Hatco. By disclosing the container to Taco Bell, Hatco was not agreeing to provide products, components, parts and/or services to Taco Bell. Rather, any such agreement would need to be separately negotiated, reduced to writing and signed by Hatco and Taco Bell.
3. The container was disclosed to Taco Bell to determine whether it would function appropriately for Taco Bell's intended use. Notwithstanding the determination, another design was ultimately found to be better suited to Taco Bell's intended use. The disclosure did not include a discussion of price or terms of a sales agreement with the individuals at Taco Bell. After Taco Bell's determination was made, there was no further discussion with Taco Bell regarding the container.

4. The container shown in the attached drawings includes an air curtain over the front opening and air returns in the rear wall. The container also includes a water reservoir and heating element which were used to control the humidity and temperature of the air in the air curtain.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are true, and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application or any patent issuing therefrom.

Date 6/7/04

By David Rolston
David Rolston
Vice President of Engineering
Hatco Corporation